

**BEFORE THE STATE BOARD OF COSMETOLOGY****STATE OF IDAHO**

In the Matter of the License of:

AWESOME NAILS & SPA,  
License No. CS-233516, and

DUNG ANH LE,  
License No. NT-221626,

Respondent.

Case Nos. COS-2007-31  
COS-2007-32

**FINAL ORDER**

This matter then came before the Idaho State Board of Cosmetology at a noticed meeting of the Board on May 26, 2004. The Board, conducted an independent review of the record and considered all evidence presented before the Hearing Officer on January 5, 2009, (2) the Hearing Officer's Findings of Fact, Conclusions of Law and Recommended Order, dated January 28, 2009, and (3) all other matters of record, and good cause appearing therefor, the Board adopted the following Order.

IT IS HEREBY ORDERED as follows:

1. The Hearing Officer's Findings of Fact, Conclusions of Law and Recommended Order are hereby adopted and incorporated herein by reference.
2. On or about April 28, 2007, Mr. Le and Awesome Nails had a dog and baby chickens in the shop; a violation of Idaho Code § 54-816(8) and IDAPA 24.04.01.800.11.
3. Pursuant to Idaho Code §§ 54-803, 54-816 and IDAPA 24.04.01.815, the Board possesses the authority to impose the following disciplinary sanctions upon the

**FINAL ORDER - 1.**

Respondent:

a. Awesome Nails and Spa, and Dung Anh Le shall each pay a fine in the amount of Five Hundred Dollars (\$500.00). These fine shall be paid within sixty (60) days from the date of this Order.

b. Awesome Nails and Spa, shall pay the costs and attorney fees incurred by the State in investigating and prosecuting COS-2007-31, and Dung Anh Le shall pay the costs and attorney fees incurred by the State in investigating and prosecuting COS-2007-32. The State shall submit an Affidavit of Costs and Attorney Fees incurred in this matter within thirty (30) days from the date of this Order. Respondents shall submit any objection to the costs and fees submitted by the State and request a hearing within fifteen (15) days from the receipt of the State's Affidavit. Thereafter, the Board shall determine the amount of costs and fees awarded against each Respondent, and in the event Respondents' fail to object to the costs and fees claimed by the State, Respondents shall pay the costs and fees set forth in its Affidavit. The Respondents shall pay the costs and fees as determined by the Board, or as set forth in this section, within ninety (90) days from the date of this Order.

c. Awesome Nails and Spa's License (CS-233516) and Dung Anh Le's License (NT-221626) shall be suspended for a term of thirty (30) days from service of this Order .

d. Dung Anh Le shall be placed on probation for a period of one (1) year from the date of this Order.

4. This is the Final Order of the Board.

**FINAL ORDER - 2.**

a. Any party may file a Petition for Reconsideration of this Final Order within fourteen (14) days of the service date of this Final Order. The Board will dispose of the Petition for Reconsideration within twenty-one (21) days of its receipt, or the Petition will be considered denied by the operation of law. (*See*, Idaho Code § 67-5247(4).)

b. Pursuant to Idaho Code §§ 67-5270 and 57-5272, any party aggrieved by this Final Order, or orders previously issued in this case, may appeal this Final Order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which: (i) a hearing was held; (ii) the final agency action was taken; or (iii) the party seeking review of this Final Order resides.

c. An appeal must be taken within twenty-eight (28) days: (i) of the service date of this Final Order; (ii) of any order denying petition for reconsideration; or (iii) of the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. (*See*, Idaho Code § 67-5273.) The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

5. The Bureau Chief of the Bureau of Occupational Licenses shall cause a true and correct copy of this Final Order to be served upon Respondent and the State's attorney by mailing a copy to them at their addresses as provided.

DATED this 16<sup>th</sup> day of March, 2009.

IDAHO BOARD OF COSMETOLOGY

By 

Eric Negaard

**CERTIFICATE OF SERVICE**

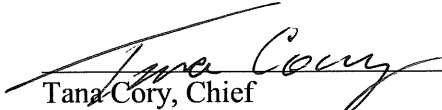
I HEREBY CERTIFY that on the 20<sup>th</sup> day of March, 2009, I caused to be served, by the method(s) indicated, a true and correct copy of the foregoing upon:

Dung Anh Le  
Awesome Nails and Spa  
1551 W. Cherry Lane, #108  
Meridian, Idaho 83642

☒ U.S. Mail  
☒ Hand Delivered  
☒ Federal Express  
☒ Certified Mail

Karin Magnelli  
Deputy Attorney General  
Office of the Attorney General  
650 W. State Street, Lower Level  
P.O. Box 83720  
Boise, Idaho 83720-0010

☐ U.S. Mail  
☐ Hand Delivered  
☐ Federal Express  
☒ Statehouse Mail

  
Tana Cory, Chief  
Bureau of Occupational Licenses

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